

## BILL ANALYSIS

Senate Research Center

H.B. 109  
By: Puente  
Jurisprudence  
6-29-93  
Enrolled

### BACKGROUND

Currently, Section 24.005, Government Code, contains provisions that allow lawyers practicing in a court to elect their own judge when the previous judge is absent. This provision was first written in 1876. Some time ago in Bexar County, a small number of lawyers elected a judge to fill a vacancy that had not yet been filled by gubernatorial appointment. The legality of this election was questioned and eventually the vacancy was filled by gubernatorial appointment.

### PURPOSE

As enrolled, H.B. 109 repeals statutes that provide for the election of a special district judge by the practicing lawyers of the court.

### RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### SECTION BY SECTION ANALYSIS

SECTION 1. Repealer: Section 24.003(d), Government Code (Substitute Judges in Certain Counties).

SECTION 2. Repealer: Section 24.005, Government Code (Special Judge Elected by Lawyers).

SECTION 3. Repealer: Section 24.115, Government Code (Procedure at Special Terms).

SECTION 4. Amends Section 24.006, Government Code (Salary of Special Judge), to make a conforming change.

SECTION 5. Amends Section 24.112(f), Government Code, to make a conforming change.

(f) Deletes language prohibiting the practicing lawyers of a court from electing a special judge because of the absence of the judge on vacation unless another district court judge is not in the county.

SECTION 6. Amends Section 24.139(i), Government Code, to make a conforming change.

SECTION 7. Makes application of this Act prospective. Provides that unless otherwise removed, the special district judge continues to serve as special district judge during the absence, failure, or inability of the judge for whom the special district judge is serving.

SECTION 8. Emergency clause.  
Effective date: upon passage.